IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF OCTOBER
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION No.15449 OF 2006

Between:

S.Vijayalakshmi

..... PETITIONER

AND

Sub-Inspector of Police,
Achampet Police Station,
Mahabubnagar and 4 others.

....RESPONDENTS

THE HON'BLE MR JUSTICE
J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE
D.APPA RAO

WRIT PETITION No.15449 OF 2006

O R D E R
(Per Sri Justice J.Chelameswar)

This writ petition is filed with a prayer as follows:

> **"…Hon'ble Court may be pleased to issue any order or orders or writ or direction or any appropriate writ preferably one in the nature of writ of Habeas Corpus directing the respondents herein to produce my husband Sri S.Bobbili Lakshmi Kanth S/o Venkataiah aged 54 years, Occ:Ayurvedic Physician Dilsukhnagar, District Rangareddy, who was kept in illegal custody of first respondent at Achampet, and punish the erring and those responsible police officials, and pass …"**

The substance of the writ petition is that the petitioner's husband Bobbili Lakshmi Kanth was taken away by the 1st respondent herein on 03.07.2006 at about 1930 hours. It appears from the allegations made in the affidavit filed in support of the writ petition that there was a property dispute between the above-mentioned Lakshmi Kanth and one Mr.Shankaraiah, the details of which are not clearly given in the affidavit. It appears in that in that connection, a criminal case was registered in Crime No.16 of 2006 by the Achampet Police Station, where the husband of the petitioner and one Md.Munna were shown as accused. The said Munna was admittedly arrested and produced. Whereas, the petitioner's husband, it appears, filed a Criminal Petition No.1730 of 2006 before this Court and according to the affidavit all further proceedings in the above-mentioned crime were

stayed by this Court. It is further alleged in the affidavit that when the husband of the petitioner went to Achampet Police Station on 08.04.2006 to serve the above-mentioned order of this Court, the Police at Achampet did not receive the said order, but beat the petitioner's husband. The petitioner makes a vague reference about two writ petitions viz., W.P.No.7328 of 2006 and W.P.No.7324 of 2006 on the file of this Court in her affidavit, without giving any description or details of the background in which those two writ petitions came to be filed. The pleading in this regard is absolutely vague and is as follows:

> **"7. I submit that I have filed W.P.No.7324 of 2006 on the file of the Hon'ble High Court which was withdrawn by my advocate on 11th July, subsequent to my husband's return. On that occasion also, my husband was picked up by Achampet police, and was kept in the custody of Grey Hounds police in the forest area, who have run for their own lives, leaving my husband, behind, on receipt of information that Naxalites are coming. My husband returned home and thus the cause of action abated on 3rd July and while he was returning home after attending the Court ….."**

It can be seen from the content of para 7 of the affidavit that the earlier writ petition vide W.P.No.7324 of 2006 filed by the petitioner on the file of this Court was withdrawn on 11th July, 2006 and according to para 7 of the present writ affidavit, by that date the husband of the petitioner returned home. If really the petitioner's husband was picked up either by the Police or missing for any other reason as alleged by the petitioner from 03.07.2006, we do not understand how the above-mentioned writ petition came to be withdrawn without making any mention about missing of the petitioner's husband from 03.07.2006.

In the circumstances, we are of the opinion that the petitioner did not come to the court with clean hands, and therefore, it is not possible for this Court to adjudicate upon these vague and demonstrably false allegations contained in the affidavit filed in support of the writ petition.

Accordingly, the writ petition is dismissed.

JUSTICE J.CHELAMESWAR

JUSTICE D.APPA RAO

9th OCTOBER, 2006
PGS

THE HON'BLE MR JUSTICE
J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE
D.APPA RAO

WRIT PETITION No.15449 OF 2006
(Per Sri Justice J.Chelameswar)

9TH OCTOBER, 2006